

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 10, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING .....	5
ATTENDANCE DURING THE MEETING .....	5
ITEM-1: ROLL CALL .....	6
ITEM-10: INVOCATION .....	6
ITEM-20: PLEDGE OF ALLEGIANCE .....	6
ITEM-30: Approval of Council Minutes .....	7
ITEM-31: Storm Water Pollution Prevention Week. ....	7
ITEM-32: La Jolla Country Day School's 75 <sup>th</sup> Anniversary Day .....	8
ITEM-33: San Diego Padres HIV/AIDS Awareness Night .....	9
ITEM-34: Hillcrest Business Association Day .....	9
ITEM-35: Rancho Bernardo Chorale Day .....	10
NON-AGENDA COMMENT .....	11
COUNCIL COMMENT .....	14
* ITEM-50: Headquarters Point Research Park Rezoning .....	17
* ITEM-51: Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project .....	18
* ITEM-52: <u>Four</u> actions related to Storm Water Pollution and Sedimentation Control ....	19

**Minutes of Monday, September 10, 2001**  
**Table of Contents (Continued)**

**Page 2**

ITEM-53:	Amendments to the City's Elections Code, Chapter 2, Article 7 of the San Diego Municipal Code. ....	20
* ITEM-54:	Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood Park - Lease and Joint Use Agreement .....	21
* ITEM-55:	Pershing Middle School - Joint Use Agreement and Improvements .....	22
ITEM-56:	Trailer Lease Agreement - Graffiti Control Division .....	22
* ITEM-57:	Transfer of the Non-Exclusive Solid Waste Collection Franchise .....	23
* ITEM-58:	Office Space Lease Agreement - Police Storefront .....	24
ITEM-59:	Use and Possession of Glass Etching Products and the Sale of Glass Etching Products and Aerosol Paint Containers. ....	25
* ITEM-100:	Adobe Falls Water Pump Station - Contract Award .....	26
* ITEM-101:	Asphalt Concrete - Award of Contract .....	27
* ITEM-102:	Abandonment of a Water and Drainage Easement in Sections 8, 9 and 16, T14S, R3W of San Bernardino Base Meridian .....	30
* ITEM-103:	Drainage Easement Abandonment in Lot "B" of Map 3554 .....	31
* ITEM-104:	Easement Grant - San Diego Gas & Electric Company - Ventura Place .....	32
* ITEM-105:	Sewage Transportation Agreement with the East Otay Mesa Sewer Maintenance District .....	33
ITEM-106:	Easement Grant - San Diego Gas & Electric Company - Adjacent to the San Pasqual Middle School .....	35
* ITEM-107:	Slope Easement Abandonment - Lot 2, Pacific Corporate Center Unit 7, Map 11986 .....	36
* ITEM-108:	Sale of Water Department Property to the County Water Authority .....	37
ITEM-109:	Residential Permit Parking Area B .....	38
* ITEM-110:	Prostate Cancer Awareness Month .....	39
* ITEM-111:	Congratulating Phil Saal, Recipient of the 2001 JOHNS Labor Leader of the Year Award .....	40

**Minutes of Monday, September 10, 2001**  
**Table of Contents (Continued)**

**Page 3**

* ITEM-112: Congratulating Hal Jensen, Recipient of the 2001 JOHNS Fellowship Award . .	40
* ITEM-113: The Artemia Way Neighborhood Watch Block Association of San Diego Day . . . . .	41
* ITEM-114: California Conservation Corps Day . . . . .	42
* ITEM-115: Congressional appropriation for Criminal Records Management System Development . . . . .	42
* ITEM-116: San Diego Drag Net Program Grant from the California Office of Traffic Safety . . . . .	44
* ITEM-117: <u>Two</u> actions related to Submitting Applications to the Department of Housing and Urban Development for Designation of Federal Empowerment Zone and Renewal . . . . .	46
* ITEM-118: Chollas Operation Yard New Gate and Driveway . . . . .	48
* ITEM-119: Agreement for Purchase of Project Plans for the West Arcade in Balboa Park . .	49
* ITEM-120: Authorize Best Management Practices Implementation Support Agreement with Deloitte & Touche . . . . .	50
* ITEM-121: Second Amendment to Emcon/OWT Agreement for Mission Bay Landfill Regulatory Compliance . . . . .	51
* ITEM-122: City of San Diego/MTDB Authority . . . . .	53
* ITEM-123: Water and Sewer Group Job 464A - Contract Change Order Nos. 1 and 2 . . . .	54
* ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico . . . . .	56
ITEM-125: Supporting Legislation Adjusting Daylight Savings Time to Promote Energy Conservation . . . . .	56
* ITEM-126: <u>Two</u> actions related to Advertising for Bids for Sewer and Water Replacement Group 2000 . . . . .	57
* ITEM-127: <u>Two</u> actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 677 . . . . .	61
ITEM-128: Storefront Improvement Rebate Program Council Policy . . . . .	63
* ITEM-129: Amending the Business Improvement Districts Council Policy No. 900-07 . . . .	65

**Minutes of Monday, September 10, 2001**  
**Table of Contents (Continued)**

**Page 4**

* ITEM-130:	Formal Offer of Extension of Emergency Medical Services (EMS) Agreements .....	65
* ITEM-131:	Amendment to the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc .....	67
* ITEM-132:	<u>Two</u> actions related to Energy Conservation and Management .....	69
ITEM-150:	<u>Two</u> actions related to Sewer Main Cleaning Services .....	70
ITEM-151:	Proposed Changes to the Permanent Rules of Council - Rule 1 (d) and Rule 3 of the San Diego Municipal Code Section 22.0101 .....	72
ITEM-200:	Ordinance Prohibiting Glass Beverage Containers Within Qualcomm Stadium Parking Facility .....	73
ITEM-201:	<u>Five</u> actions related to Dedicating Cabrillo Park North Mini-Park, Cabrillo Park South Mini-Park, Camino Ruiz Park, Plumosa Park, Starkey Mini-Park as Public Parks .....	75
ITEM-202:	Dedicating Ashley Falls Neighborhood Park, Cypress Canyon Neighborhood Park, Torrey Hills Neighborhood Park and 32 <sup>nd</sup> Street Mini Park, as Public Parks .....	78
ITEM-203:	<u>Two</u> actions related to Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8: .....	79
ITEM-250:	SUBMISSION OF BALLOT PROPOSALS .....	81
ITEM-252:	Notice of Pending Final Map Approval .....	82
ITEM-253:	<b>Notice</b> of Pending Final Map Approval for “Silver Oaks Estates” (T.M. 98-0423) and “54 <sup>th</sup> Place at Orange Avenue” (T.M. 99-0322) .....	83
ITEM-S400:	Municipal Employees Association Proclamation .....	84
ITEM-S401:	Independent Budget Analysis - Year-Round Budget Review .....	84
NON-DOCKET ITEMS	.....	85
ADJOURNMENT	.....	86

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:12 p.m.

Mayor Murphy introduced and welcomed three Delegates from the A50 program which is a Japanese initiative to mark 50 years of friendship with the United States.

The meeting was recessed by Mayor Murphy at 4:00 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:13 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:40 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:52 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 8:25 p.m. into Closed Session at 9:00 a.m. Tuesday, September 11, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend Brooks Gibbs of the Horizon Christian Fellowship Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

7/09/2001  
7/10/2001  
7/16/2001  
7/17/2001  
7/23/2001  
7/24/2001  
7/30/2001 Special Joint Meeting  
7/30/2001 Quarterly Night Meeting  
7/31/2001  
8/06/2001 Special Meeting  
8/07/2001 Special Meeting  
8/07/2001 Special Joint Meeting

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Tape location: A145-146.)

MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Storm Water Pollution Prevention Week.

**COUNCILMEMBER PETERS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-337) ADOPTED AS RESOLUTION R-295408

Proclaiming the week of September 17 through 23, 2001 to be "Storm Water  
Pollution Prevention Week" in San Diego and encouraging all the people of San

Diego to “Think Blue” by doing their part to prevent pollution, urban runoff, and to improve and protect San Diego’s water quality.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A201-241.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: La Jolla Country Day School’s 75<sup>th</sup> Anniversary Day.

**COUNCILMEMBER PETERS’S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-313) ADOPTED AS RESOLUTION R-295409

Giving special recognition to La Jolla Country Day School on its 75<sup>th</sup> Anniversary and commending Country Day for its academic excellence and ongoing contributions to the San Diego community;

Proclaiming Tuesday, September 14, 2001 to be “La Jolla Country Day School’s 75<sup>th</sup> Anniversary Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-292.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: San Diego Padres HIV/AIDS Awareness Night.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-295) ADOPTED AS RESOLUTION R-295410

Commending the San Diego Padres for their commitment to help raise funds for and increase public awareness of HIV/AIDS through the sponsorship and promotion of the first-ever San Diego Padres HIV/AIDS Awareness Night at Qualcomm Stadium;

Proclaiming September 11, 2001 to be "San Diego Padres HIV/AIDS Awareness Night" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A293-390.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-34: Hillcrest Business Association Day.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-321) ADOPTED AS RESOLUTION R-295411

Recognizing the Hillcrest Business Association on their 80<sup>th</sup> Anniversary;

Proclaiming September 11, 2001 to be "Hillcrest Business Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A395-456.)

MOTION BY ATKINS TO ADOPT. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-35: Rancho Bernardo Chorale Day.

**COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-65) ADOPTED AS RESOLUTION R-295412

Commending the Rancho Bernardo Chorale for the accomplishments, talent and contributions it brings to the City of San Diego, and in honor of their accomplishments, proclaiming September 10, 2001, to be "Rancho Bernardo Chorale Day" in San Diego.

**SUPPORTING INFORMATION:**

For the last twenty seven years, the Rancho Bernardo Chorale has been one of Northern San Diego County's premier vocal groups that has brought joy and the beauty of music to all of its listeners. They are composed of an ensemble of passionate and talented local residents that work diligently and meticulously for the accomplishment of their superb singing in their annual June concert series. The group has successfully been conducted at the award-winning direction of Pat Bean and has expanded their audiences to thousands of fans through performances at Disneyland, Knott's Berry Farm, Sea World, Washington, D.C. and Hawaii. In addition, the Rancho Bernardo Chorale supports and gives back to San Diego County by donating their proceeds raised from concerts for scholarships to assist students pursuing music careers. The City of San Diego is fortunate to have such a precious and invaluable assembly of singers. Therefore, this action proclaims July 20<sup>th</sup>, 2001, to be "Rancho Bernardo Chorale Day" in the City of San Diego.

Balolong

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A457-B008.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO THE CITY MANAGER**

Comment by Sheri Lightner regarding telecommunication facilities and installations at Cliffridge Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B023-096.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Comment by Mary Coakley regarding telecommunication facilities and installations at Cliffridge Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B056-096.)

PUBLIC COMMENT-3:

Comment by Judie Italiano regarding the City Employee Blood Drive.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B097-119.)

PUBLIC COMMENT-4:

Comment by Jim Varnadore regarding his neighborhood in City Heights, and the Redistricting process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B120-147.)

PUBLIC COMMENT-5:

Comment by Marco Gonzalez regarding the Mission Bay Park Master Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B148-175.)

PUBLIC COMMENT-6: **REFERRED TO THE CITY MANAGER**

Comment by Theresa Quiroz regarding taxicabs, and her feeling that she was mistreated by a taxi cab driver.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B177-217.)

PUBLIC COMMENT-7:

Comment by Pat Granger regarding land use and the La Jolla Community Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B229-264.)

PUBLIC COMMENT-8:

Comment by Billy Paul regarding the Redistricting Commission and their process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B265-309.)

PUBLIC COMMENT-9: **REFERRED TO THE CITY MANAGER**

Comment by Frieda Levinsky regarding alley paving and other non-paved alley owners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B313-355.)

PUBLIC COMMENT-10:

Comment by Don Stillwell regarding bonds issued by the San Diego City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B376-410.)

PUBLIC COMMENT-11:

Comment by Steve McWilliams regarding Medical Cannabis, and medical marijuana usage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B427-467.)

**PUBLIC COMMENT-12:**

Comment by Abraham Salazar regarding the downtown ballpark, issuance of bonds, and the voters of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B468-517.)

**PUBLIC COMMENT-13:**

Comment by Dan Beeman regarding “anything and everything,” and redevelopment issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B518-577.)

**COUNCIL COMMENT:**

**ITEM-CC-1:**

Comment by Mayor Murphy regarding the first kick-off for the San Diego Soccers, and regarding the Stadium Authority and the City honoring Herb Klein the Editor and Chief of Copley newspapers into the Hall of Fame of great Sports Statesmen in San Diego history. Mayor Murphy stated that Herb Klein as most people know is not only the Editor and Chief of the Copley newspapers, but in addition to providing quality sports coverage, he has played a role over many years of bringing San Diego the construction of the San Diego Stadium; a Major League Baseball Franchise to San Diego; three Super-Bowls; and a successful Holiday Bowl.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B594-C012.)

ITEM-CC-2:

Comment by Council Member Wear regarding Ocean Beach, Dog Beach, this last weekend, and his and Council Member Peters participation in a very serious project to restore the dunes, and to remove the non-native vegetation helping to bring the area back. Council Member Wear stated there were approximately 700 volunteers, and that he had never seen so many people work so hard for about five hours getting that area cleaned up improving not only the wetlands, but to help restore the dunes. Council Member Wear stated he has pledged funds, and will be working on doing some additional planning for this area in the next season.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C015-036.)

ITEM-CC-3: **REFERRED TO THE CITY MANAGER**

Comment by Council Member Stevens regarding thanking the Members of the Council who supported and participated in the most recent "Encanto Street Faire." Council Member Stevens stated there were more than 80,000 people in Encanto for this years' "Street Faire." Council Member Stevens expressed he was surprised to learn that in some of the parks there are already antennas and wires, and wanted to know by whom was that approved. Council Member Stevens stated he understood that was to go to Land Use and Housing for discussion, but it looks as though it has already been approved, and he does not recall being a part of that. Council Member Stevens asked the City Manager to cease installing antennas until the issue was resolved.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C037-059.)

ITEM-CC-4:

Comment by Council Member Peters regarding fully understanding that telecommunications is an important part of the economy, and that he knows the City must find locations for these facilities. Council Member Peters stated that one of the big problems he has with what is going on is that they are building little buildings, 400 square foot buildings in the middle of an open park, and that doesn't make any sense to

him. There should be alternatives, and Council Member Peters understands that the community in this case came up with less intrusive ideas that were rejected for some reason. Council Member Peters expressed that Council Member Inzunza and himself traded places; he was the Council Member for District 8 Friday morning, and Council Member Inzunza was the Council Member for District 1. Council Member Peters stated it is important for the Council Members to see what each others Districts are like. Council Member Peters observed many similarities between the Districts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C060-086.)

ITEM-CC-5:

Comment by Council Member Inzunza regarding trading places with Council Member Peters, and wished to state that the cheese danishes at the French Pastry Shop were outstanding. Council Member Inzunza stated he too very much enjoyed being in District 1, observed that there are definitely issues in District 1, and many of those are the same issues he has in District 8. Council Member Inzunza stated he very much enjoyed his visit that day at La Jolla Elementary, and they too have the bungalows that we have throughout the inter-cities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C087-111.)

ITEM-CC-6:

Comment by Council Member Atkins regarding wishing to switch also with the Mayor for a day.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C111-119.)

**CITY MANAGER COMMENT:**

Comment by City Manager Uberuaga regarding that for the public's benefit he wished to indicate that the ribbon cutting for the Convention Center expansion will occur this Friday, September 14, 2001, at noon. There will be a public open house on Saturday at 10:00 a.m. to 4:00 p.m. with free admission. The ribbon cutting will be at the corner of 8<sup>th</sup> Avenue and Harbor Drive. The City Manager stated he will be sending a memo at a later time regarding the staff who worked on this 216.3 million dollar project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C134-150.)

\* ITEM-50: Headquarters Point Research Park Rezoning.

(99-0036 OS Vacation/RZ/VTM/PID/CDP. Mira Mesa Community Plan Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the ordinance which was introduced on 7/31/2001. (Council voted 6-3. Councilmembers Peters, Wear, Atkins, Maienschein, Madaffer and Mayor Murphy voted yea. Councilmember Stevens, Frye, and Inzunza voted nay):

(O-2001-103) ADOPTED AS ORDINANCE O-18972 (New Series)

Rezoning 10.3 acres, located between Wateridge Circle and Lusk Boulevard, in the Mira Mesa Community Plan area, from the RS-1-1 (R1-40000) zone to the IL-2-1 (M1-B) zone.

FILE LOCATION: PERM-99-0036 (65)

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-51: Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project.

(99-0295; 99-1094; 99-0899. Future Urbanizing Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances in Subitems A and B which were introduced on 8/7/2001. (Council voted 7-2. Councilmembers Peters, Wear, Atkins, Stevens, Madaffer, Inzunza and Mayor Murphy voted yea. Councilmember Maienschein and Frye voted nay):

Subitem-A: (O-2002-16) ADOPTED AS ORDINANCE O-18973 (New Series)

Rezoning the Sycamore Estates property, located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, from the IL-3-1 and IH-2-1 zones (previously referred to as the M1-A and M2-A zones) into the AR-1-1 (previously referred to as the A-1-10 zone), as defined by San Diego Municipal Code section 131.0301; and repealing all previously existing zoning regulations insofar as the same conflict herewith.

Subitem-B: (O-2002-17) ADOPTED AS ORDINANCE O-18974 (New Series)

Authorizing the City Manager to execute an agreement regarding Substitution of Extraordinary Benefits, Expansion of Mission Trails Park, and Satisfaction of Development Agreement Requirements with Sycamore Estates, LLC.

**FILE LOCATION:** SUBITEM A & B: LAND-Progress Guide & General Plan-Future Urbanizing Area, Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project (09)

**COUNCIL ACTION:** (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-52: Four actions related to Storm Water Pollution and Sedimentation Control.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 7/31/2001 (Council voted 7-0. Councilmembers Atkins and Inzunza not present):

Subitem-A: (O-2002-3) ADOPTED AS ORDINANCE O-18975 (New Series)

Amending Chapter IV, Article 3, Division 3, of the San Diego Municipal Code by amending Sections 43.0301, 43.0302, 43.0304, and 43.0305, by amending and renumbering Sections 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311 and 43.0312, and by repealing Section 43.0314, relating to Storm Water Management and Discharge Control.

Subitem-B: (O-2002-9) ADOPTED AS ORDINANCE O-18976 (New Series)

Amending Chapter 12, Article 9, Division 6, of the San Diego Municipal Code by amending Section 129.0630; and amending Chapter 14, Article 2, Division 1, by amending Section 142.0146, relating to Grading Regulations.

Subitem-C: (O-2002-6) ADOPTED AS ORDINANCE O-18977 (New Series)

Amending Chapter 14, Article 2, Division 2, of the San Diego Municipal Code by amending Sections 142.0201, 142.0210 and 142.0220, all relating to Drainage Regulations.

Subitem-D: (O-2002-12 Cor. Copy 2)      ADOPTED AS ORDINANCE O-18978  
(New Series)

Amending the Fee Schedule for Subdivision Approvals and Grading and Public Right-of-Way Permits.

FILE LOCATION: SUBITEMS A, B, & C: MEET  
SUBITEM D: Gen'l Fees & Charges - Development  
Services Department (DSD)

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

ITEM-53: Amendments to the City's Elections Code, Chapter 2, Article 7 of the San Diego  
Municipal Code.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 7/31/2001.  
(Council voted 8-0. Councilmember Atkins not present.):

(O-2002-2 Rev. ) ADOPTED AS ORDINANCE O-18979 (New Series)

Amending Chapter 2, Article 7, of the San Diego Municipal Code by amending  
Division 2, Section 27.0213; by amending Division 6, Sections 27.0608, 27.0620  
and 27.0621; by amending Division 7, Sections 27.0701 and 27.0709; by  
amending Division 8, Sections 27.0801, 27.0802, 27.0803, 27.0804, 27.0805,  
27.0806, and 27.0809; by amending Division 9, Sections 27.0902 and 27.0907;  
and by repealing Division 23, Sections 27.2301, 27.2302, and 27.2303, all relating  
to Elections.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E126-139.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-54: Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood Park - Lease and Joint Use Agreement.

(Miramar Ranch North Community Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-14) ADOPTED AS ORDINANCE O-18980 (New Series)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turfed recreational facilities and parking facilities at the Ellen Browning Scripps Elementary School site.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS-Allen Browning Scripps Elementary School and Spring Canyon Neighborhood Park

**COUNCIL ACTION:** (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-55: Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-15 Cor. Copy) CONTINUED TO MONDAY, SEPTEMBER 24, 2001

Authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Pershing Middle School with the San Diego Unified School District.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: C150-175.)

CONSENT MOTION BY INZUNZA TO CONTINUE THIS ITEM TO SEPTEMBER 24, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-56: Trailer Lease Agreement - Graffiti Control Division.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0.):

(O-2002-18) ADOPTED AS ORDINANCE O-18981 (New Series)

Authorizing the City Manager to execute a Trailer Lease Agreement with Bert's Office Trailer Rentals for the lease of a 48' x 60' trailer (approximately 2,880

square feet), at a monthly rental rate of approximately \$0.49 per square foot or \$1,392.13 per month, for an initial term of five (5) years;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$86,871.73 from Fund 100, Department 601, for rental, relocation and data infrastructure costs from the FY 2002 budget.

Aud Cert. 2200120.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS-Bert's Office Trailer Rentals

**COUNCIL ACTION:** (Tape location: C338-340.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-57: Transfer of the Non-Exclusive Solid Waste Collection Franchise.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0.):

(O-2002-20) ADOPTED AS ORDINANCE O-18982 (New Series)

Approving the transfer of the Non-Exclusive Solid Waste Collection Franchise Agreement and the Waste Delivery Agreement from Dominion Disposal to National Environmental Waste Corporation.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-58: Office Space Lease Agreement - Police Storefront.

(Mid-City Community Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-19) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance authorizing the City Manager to execute a Lease Agreement with the New World Limited Partnership at an initial rent of \$5,971.37 per month, located at 5348 University Avenue, commencing May 1, 2001 and terminating April 30, 2008;

Authorizing the expenditure of \$11,942.74 from Fund 100 for FY2001.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

The Multi-Cultural Police Storefront, formerly called Indo-Chinese, has been leasing space at 4844 University Avenue since September 1994 and has expanded beyond capacity. To better accommodate the community needs and to co-locate with other community non-profits, a more suitable location was found at 5348 University Avenue.

The Police Department is proposing to lease the space under the following basic terms:

TERM - Seven (7) years. Commencing May 1, 2001 and terminating April 30, 2008.

RENT - The total rent paid is \$5,971.37 per month. The total rent per month includes a base rent of \$4,646 or \$1 per square foot, and additional rent of \$1,325.27 that will be paid for tenant improvements amortized over Lessee's initial lease term. The rental rate of \$1 per square foot is below market as compared to similar buildings in the area.

USE - General office use for a Police Storefront and for community activities and programs.

SIZE - 4,646 square feet.

OPTION TO EXTEND - The City has the option to extend the lease for one additional five (5)-year period.

**FISCAL IMPACT:**

\$11,942.74 will be paid from the Police Department's Fund 100 for FY2001.

Herring/Griffith/DLM

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-59: Use and Possession of Glass Etching Products and the Sale of Glass Etching Products and Aerosol Paint Containers.

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2001-147) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance amending Chapter V, Article 4, by amending Section 54.0402 and adding Section 54.0414; and by amending Chapter V, Article 8, of the San Diego Municipal Code by adding Division 2, by adding Sections 58.0201, 58.0202, 58.0203, 58.0204, and 58.0205, all relating to regulation on the Use and Possession of Glass Etching Products, and the Sale of Glass Etching Products and Aerosol Paint Containers.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On June 20, 2001, PS&NS voted 5-0 to accept the ordinance, as drafted, regarding the use and possession of glass etching products and the sale of glass etching products and aerosol paint containers. (Councilmembers Atkins, Stevens, Maienschein, Frye and Inzunza voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D350-582.)

MOTION BY WEAR TO INTRODUCE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-100: Adobe Falls Water Pump Station - Contract Award.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-332) CONTINUED TO MONDAY, SEPTEMBER 24, 2001

Authorizing the City Manager to accept the low bid and award a phase funded contract to TC Construction Co., Inc. for the construction of the Adobe Falls Water Pump Station - Upgrade in the amount of \$3,058,396 which is 20% above the Engineer's estimate;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$583,275 from Water Fund 41500, CIP-73-263.0, Annual Allocation-Water Pump Station Restorations, to Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, for the construction of the Adobe Falls Water Pump Station;

Authorizing the City and Auditor and Comptroller to expend an amount not to exceed \$891,075 from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, and expend an amount not to exceed \$45,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pool Contingency, for the construction costs of the Adobe Falls Water Pump Station provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 9, 2001, the City Council approved (R-295121) advertisement for bids and construction of the Adobe Falls Water Pump Station (formerly called the Alvarado Pump Plant). This new pump station is located on the northwest corner of Waring Road and Interstate 8, and it consists of five (5) energy efficient pumps and motors, new state of the art electrical and telemetry equipment, site piping which include the installation of a new 36-inch transmission main with gate valves and appurtenances, and replacement of various segments of the existing 36-inch pipe within the pump station.

The construction of this new pump station facility will provide a more reliable and efficient facility. It will save in electrical and maintenance costs, and also, it will allow the City to utilize a portion of its local water storage. The CIP Program has performed a community outreach program by meeting with the Allied Garden Community Council and the Navajo Community Planners. In addition, this project is mandated by the State of California Department of Health Services as part of Compliance Order No. 04-14-96-022 (Amendment # 7), Item No. 51 dated May 9, 2001.

On July 27, 2001, five (5) bids were received and opened with the low bid of \$3,058,396 submitted by TC Construction Co., Inc. However, TC Construction's bid came in higher than the engineer's estimate due to changes to the site piping system during the final stages of design, and an increase in electrical and instrumentation cost due to the bidding climate.

TC Construction Co., Inc. submitted the Subcontracting Outreach Program and the Equal Opportunity Contracting Program determined that TC Construction Co., Inc.'s bid is in compliance with the Subcontracting Outreach Program requirements and is considered to be a responsive low bidder on this project.

It is noted that TC Construction Co., Inc. achieved a level of 21.84% in subcontractor participation which exceeded the 19% contract requirements. This action is to award the construction contract to TC Construction Co., Inc. and transfer funds for the additional construction related costs.

**FISCAL IMPACT:**

Funding in the amount of \$891,075 for the construction is available from the Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade and \$45,000 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency.

Loveland/Gardner/NXX

Aud. Cert. 2200233.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C150-175.)

CONSENT MOTION BY INZUNZA TO CONTINUE THIS ITEM TO MONDAY, SEPTEMBER 24, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Asphalt Concrete - Award of Contract.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-256) ADOPTED AS RESOLUTION R-295413

Accepting the low bid meeting specifications of Logans Marketing and authorizing a contract for furnishing asphalt concrete, as may be required for a period of one year beginning August 1, 2001 through July 31, 2002, for a total estimated cost of \$1,262,250, with options to renew the contract for four additional one year periods, with price escalations not to exceed 19.9% of prices in effect at the end of each prior contract year;

Authorizing the estimated expenditure of \$1,356,918.75, from Fund No. 50010, Department No. 810, Organization No. 5099, Object Account No. 3231, and Job Order No. 009001 for providing funds for the contract, and authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Asphalt Concrete is used primarily by the Street Division of the Transportation Department for maintenance of City streets, and by the Water Operations Division of the Water Department for repairing portions of City streets excavated for work on water mains and lateral breaks. The Contractor provides all labor, plant equipment, and materials for mixing aggregate and asphalt binder at a central mixing plant. The mixture is loaded into City trucks or rental trucks and delivered to the designated site.

The Contractor will also dispose of the City's demolition asphalt and concrete materials at no additional cost to the City. Five (5) potential bidders were contacted, in addition to the bid being advertised on the City's web site and in the City's official newspaper.

Three (3) bidders responded per the tabulation. It is recommended that the contract be awarded to Logans Marketing, the low bidder meeting specifications. The most recent contract for asphalt was with Logans Marketing for both Sections I and II. The bid prices for Section I, Asphalt are approximately 12.4% above the previous contract price. For Section II, Cold Mix and Super Cold Mix Asphalt, the bid price is approximately 7.5% above the previous contract price. These price increases are due to increased energy and petroleum costs.

**FISCAL IMPACT:**

In FY2002, \$1,356,918.75 will be paid from the General Services Department, Central Stores Division's Budget with reimbursement from the Transportation and Water Departments.

Loveland/Baldwin/FM

Aud. Cert. 2200204.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: C349-354.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Abandonment of a Water and Drainage Easement in Sections 8, 9 and 16, T14S,  
R3W of San Bernardino Base Meridian.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-224) ADOPTED AS RESOLUTION R-295414

Vacating the water and drainage easement in Sections 8, 9 and 16, T14S, R3W of  
San Bernardino Base Meridian.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a water and drainage easement in the proposed Pacific Highlands Ranch development. This property is located in the Carmel Valley Planning area within Council District (1). This easement is on private property and the only purpose for a public service easement is to allow the City to construct and maintain facilities within the easement. No rights are granted to the public. By abandoning this easement the City will no longer have the responsibility to maintain any facility within the easement or the easement area.

There are no improvements within the proposed easement abandonment. The development of new water and storm drain facilities in Pacific Highlands Ranch will make these easements unnecessary. The water and drain easement were acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-9040

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Drainage Easement Abandonment in Lot "B" of Map 3554.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-175) ADOPTED AS RESOLUTION R-295415

Vacating the drainage easement in Lot "B" of Map 3554.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a drainage easement in lot "B" of Map 3554. This property is located in the La Jolla Community Planning area within Council District (1). The abandonment of this drainage easement is part of a legal settlement agreement between the property owner and the City. The owner will be responsible to clean and maintain the privatized drainage facilities as stated in the agreement per Resolution R-290603 adopted August 4, 1998. The easement was obtained at no cost to the City and the general public has no rights within it.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

FILE LOCATION: DEED F-9041

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: Easement Grant - San Diego Gas & Electric Company - Ventura Place.

(Mission Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-283) ADOPTED AS RESOLUTION R-295416

Authorizing the City Manager to execute an Easement Deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, modifying, maintaining and using underground facilities and appurtenance of the transmission and distribution of electricity, affecting a portion of Pueblo Lot 1803, according to Miscellaneous Map No. 36, made by James Pascoe in 1870, and filed November 14, 1921.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego Gas & Electric Company (SDG&E) has discovered a corroded underground switch while performing maintenance and inspection work in the Mission Bay area. The corroded switch is below safety standards, and is in need of replacement. However, a prolonged electrical outage would occur, affecting Belmont Park, while the corroded switch was replaced. Therefore, SDG&E has requested that a new easement be granted for the construction of a new underground switch facility nearby, bypassing the corroded one. The new switch can be installed with no disruption of electricity. Although the older switch will be bypassed, the existing easement will remain, due to the underground electric lines in place and in use. The

requested underground easement is 44.56 feet in length, 12 feet in width, and includes 534.72 square feet. Since the new switch provides electrical service to Belmont Park, a City leasehold, no compensation will be requested from SDG&E for the easement.

**FISCAL IMPACT:**

None.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9042

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: Sewage Transportation Agreement with the East Otay Mesa Sewer Maintenance District.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-140) ADOPTED AS RESOLUTION R-295417

Authorizing the City Manager to execute an agreement with the East Otay Mesa Sewer Maintenance District, for transportation of sewage in the San Diego Municipal System.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 17, 1991, the Board of Supervisors, acting as the Board of Directors of the Spring Valley Sanitation District (SVSD), approved an agreement between SVSD and National City for the purchase of 1.0 million gallons per day of sewage capacity rights in the Metro System. This capacity would be held in reserve by SVSD for eventual transfer to a yet to be formed Sanitation District for the property.

On February 12, 1993, the City of San Diego adopted Resolution R-281431-4, approving the sewage transportation agreement between the City of San Diego and SVSD concerning the East Otay Mesa area. The transportation of 1.0 million gallons per day was contracted for .33 mgd through the Otay Valley Trunk Sewer and .67 mgd through the Otay Mesa Trunk Sewer.

On June 16, 1999, the San Diego County Board of Supervisors approved the establishment of the East Otay Mesa Sewer Maintenance District (EOMSMD) to provide for sewage collection and conveyance services for the developing unincorporated area of East Otay Mesa. In accordance with Section XIV.GENERAL B, of the Regional Wastewater Disposal Agreement, a request was made to all Participating Agencies to approve an amendment to the Agreement to accept the EOMSMD as a Participating Agency member. Each Participating Agency has adopted a resolution approving the EOMSMD as a Participating Agency member.

The location of EOMSMD's sewage collection systems or portions of such systems with respect to the Metro System's interceptor requires the use of San Diego Municipal System sewage transportation lines. This agreement recognizes the regionally accepted rate to be charged for sewage transportation services rendered by San Diego to EOMSMD, their permitted capacity in San Diego's municipal system sewage transportation lines, and any charges related to said capacity.

The East Otay Mesa Sewer Maintenance District (County of San Diego) estimates they will not be discharging wastewater into the City's Municipal System until FY2003.

**FISCAL IMPACT:**

There will be no net cost to the City from this action. Sewer transport costs will be recovered through fees paid by the East Otay Mesa Sewer Maintenance District.

Loveland/Tulloch/HRG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Easement Grant - San Diego Gas & Electric Company - Adjacent to the San Pasqual Middle School.

(San Pasqual Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-309) ADOPTED AS RESOLUTION R-295418

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, affecting a portion of Lot 2 and the Southeast Quarter of the Southwest Quarter of Section 20, Township 12 South, Range 1 West, San Bernardino Meridian as shown on Map No. 16526, together with the North Half of the Northwest Quarter of Section 29, Township 12 South, Range 1 West, SBM.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego Gas & Electric Company (SDG&E) has requested two underground easements adjacent to the San Pasqual Middle School. The requested easements will allow the completion of the undergrounding of a portion of a main electric transmission line servicing the Wild Animal Park. The undergrounding was necessitated by the location of the playground for the San Pasqual Middle School, currently under construction. In order to have the new underground line join with the existing poles on City land on each side of the school grounds, two small underground easements are requested. One of the requested underground easements is 10 feet wide, 57.3 feet long, and covers approximately 573 square feet. The other underground easement is 10 feet wide, 50 feet long, and covers approximately 545 square feet. Since the easements requested will allow a partial undergrounding of the transmission line servicing the Wild Animal Park, at no cost to the City, no compensation will be requested.

**FISCAL IMPACT:** None

Herring/Griffith/ACG

FILE LOCATION: DEED F-9043

COUNCIL ACTION: (Tape location: C436-437.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Slope Easement Abandonment - Lot 2, Pacific Corporate Center Unit 7, Map  
11986.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-311) ADOPTED AS RESOLUTION R-295419

Vacating the slope easement located within Lot 2, Pacific Corporate Center Unit  
7, Map No. 11986.

**CITY MANAGER SUPPORTING INFORMATION:**

Council is requested to abandon a slope easement granted over Lot 2, Pacific Corporate Center Unit 7, Map 11986 as shown on Engineering Drawing No. 18793-B. It was originally a design requirement for Mira Mesa Boulevard, but was not required for the ultimate design of the street. This easement is no longer required for the purpose for which it was granted and there is no present or anticipated future use for the easement. The easement was acquired at no cost to the City. Staff recommends approval of the abandonment.

**FISCAL IMPACT:** None.

Loveland/Haase/GB

FILE LOCATION: DEED F-9044

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Sale of Water Department Property to the County Water Authority.

(San Pasqual Valley Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-347) RETURNED TO THE CITY MANAGER

Authorizing the specified interests of real property owned by the City at Lake Hodges to be sold by negotiation for the amount of \$369,000;

Authorizing the specified interests of real property owned by the City at San Vicente to be sold by negotiation for the amount of \$107,500;

Authorizing the City Manager to execute a Grant Deed granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at Lake Hodges;

Authorizing the City Manager to execute a Grant Deed granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at San Vicente;

Declaring that the compensation paid to the City of San Diego for the property interests at Lake Hodges and at San Vicente, in the amount of \$476,500, shall be deposited into the Water Department Capital Outlay Fund 30246.

**CITY MANAGER SUPPORTING INFORMATION:**

The City entered into an Agreement on May 26, 1998 with the San Diego County Water Authority (the Authority) for their Emergency Storage Project at the Water Department's San Vicente Reservoir, Document No. 00-18521-1. The City also entered into a similar agreement with the Authority for their Emergency Storage Project at the Water Department's Lake Hodges Dam and Reservoir, Document No. 00-18521-2. The purpose of the Emergency Storage Project is to expand the San Diego Region's water storage capacity to meet the emergency water needs of the Region in the event of a catastrophic or prolonged interruption of imported water.

Both agreements obligate the City to convey ownership of the lands described in the two Grant Deeds. After the two projects are completed, the City shall purchase from the Authority those lands which will not be necessary for the operation and maintenance of the Authority's facilities. The purchase price per acre shall be the same as the original sale price per acre as shown in the Grant deeds which are \$9,767 per acre for the 11.003 acres at Lake Hodges and \$7,078 per acre for the 52.132 acres at San Vicente. (The appraisal amounts were rounded up.)

**FISCAL IMPACT:**

\$476,500 to be deposited in the Water Department Capital Outlay Fund 30246.

Herring/Griffith/JAB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C150-175.)

CONSENT MOTION BY INZUNZA TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Residential Permit Parking Area B.

(See City Manager Report CMR-01-177. College Area Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-272) ADOPTED AS RESOLUTION R-295420

Approving the expansion of Residential Permit Parking in Area B to include portions of Prosperity Lane and Catoctin Drive (adding the 5300 block of Prosperity Lane; adding the west side of the 5000 block of Catoctin Drive in its entirety, and adding the east side of the 5000 block of Catoctin Drive between the southerly property line of 5015 Catoctin Drive and the intersection of Catoctin Drive and Saranac Street;

Authorizing the installation of the necessary signs and markings; declaring that the above regulations shall become effective upon the installation of the signs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D599-E098.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Prostate Cancer Awareness Month.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-349) ADOPTED AS RESOLUTION R-295421

Proclaiming September 2001 to be "Prostate Cancer Awareness Month" in San Diego and observing the month by learning how to prevent prostate cancer and how to detect it early, and by encouraging all men to be screened for the disease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-111: Congratulating Phil Saal, Recipient of the 2001 JOHNS Labor Leader of the Year Award.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-322) ADOPTED AS RESOLUTION R-295422

Congratulating Phil Saal on his receipt of the "2001 Labor Leader of the Year Award" in recognition of his outstanding record of contributions to the enhancement of the quality of life in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-112: Congratulating Hal Jensen, Recipient of the 2001 JOHNS Fellowship Award.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-323) ADOPTED AS RESOLUTION R-295423

Congratulating Hal Jensen on his receipt of the “2001 JOHNS Fellowship Award” in recognition of his outstanding record of contributions to the enhancement of the quality of life in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-113: The Artemia Way Neighborhood Watch Block Association of San Diego Day.

**DEPUTY MAYOR STEVENS’S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-761) ADOPTED AS RESOLUTION R-295424

Commending the Artemia Way Neighborhood Watch Block Association of San Diego for their service and contributions to the City of San Diego;

Proclaiming August 11, 2001 to be “The Artemia Way Neighborhood Watch Block Association of San Diego Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-114: California Conservation Corps Day.

**DEPUTY MAYOR STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-259) ADOPTED AS RESOLUTION R-295425

Commending the California Conservation Corps for 25 years of service and contributions to the City of San Diego;

Proclaiming July 27, 2001 to be "California Conservation Corps Day" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-115: Congressional appropriation for Criminal Records Management System Development.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-300) ADOPTED AS RESOLUTION R-295426

Authorizing the Chief of Police to apply for, accept, manage and expend a U.S. Congressional appropriation of funds for the purpose of developing the Criminal Records Management System;

Declaring that the authorization shall include all aspects of fund acceptance, operation, contracts, expenditures, and certifications, and that the City will

comply with all applicable statutory and/or regulatory requirements related to the appropriation;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of the appropriation for a period of up to five years, provided funding is made available by the U.S. Congress;

Declaring that the funds and/or resources received hereunder shall not be used to supplant expenditures controlled by Council, and that the personnel positions funded hereunder, if any, are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

In a Conference Report from the United States Congress, subsequent to the Budget Appropriation Act of FFY 2001, \$2 million has been "earmarked" specifically to automate the Criminal Records Management System (CRMS) in San Diego, CA. SDPD was required to complete the attached routine application in order to facilitate this funding.

The U.S. Department of Justice, Bureau of Justice Statistics (BJS) has been selected to administer this appropriation. BJS is authorized to charge a portion of the appropriation to cover their administrative costs. Therefore, SDPD was authorized to apply for approximately \$1.95 million.

Our actual application requests \$1,950,068 for general CRMS development. CRMS allows patrol officers to enter crime and arrest reports from their laptop computer. It will route reports to the appropriate investigative unit, permit investigators to complete follow-up reports on-line, and store all reports electronically for access by officers, detectives and support staff from terminals throughout the Department. It will help to improve the quality of reports, leading to more case clearances and prosecutions, and will reduce the costs of handling millions of documents each year.

CRMS development has been underway for two years, funded by federal grants. These funds will supplement other grants to permit completion of the system components. All maintenance costs for the system have been included in the Fiscal Year 2002 projected SLA (Service Level Agreement) with SDDPC.

Funds will pay salaries and benefits of two full-time Information Systems analysts, equipment, supplies, expenses and consultants necessary to develop and implement the planned components.

**FISCAL IMPACT:**

This special appropriation by the United States Congress provides approximately \$1,950,068. There is no requirement for matching funds, nor for continued expenditures, services or activities after grant funding has ended.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-116: San Diego Drag Net Program Grant from the California Office of Traffic Safety.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-284) ADOPTED AS RESOLUTION R-295427

Authorizing the Chief of Police, for and on behalf of the City of San Diego, to apply for, accept, manage and expend funds for a grant from the State of California Office of Traffic Safety, for a grant entitled, "San Diego Drag Net Program" including any extensions or amendments;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Authorizing the City to provide the required matching resources and ongoing costs of operation relating to this program, including any amendments, under the Program and funding terms and conditions of the State of California.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Office of Traffic Safety (OTS) has worked closely with San Diego Police Department Traffic Division personnel for some time to develop a plan to deter, reduce, enforce, prosecute and adjudicate illegal street drag racing, and to reduce the associated collisions, injuries and deaths, particularly among youth.

OTS has approved grant funding for a 24-month project which will implement multiple intervention strategies, including cooperative law enforcement, prosecution, and adjudication; community and regional education; support for new legislation to reinforce existing laws and preventive measures; and support and promotion of the existing "San Diego State University Race Legal" program, a legal street racing alternative.

The project will be evaluated by measuring the impact on collisions and injuries; the incidence/prevalence of illegal street racing activity; law enforcement countermeasures employed; and monitoring the adjudication process. The objectives of the project are to reduce illegal street racing to a level which may be managed by routine patrol officers; to increase racer participation in legal alternatives; and to reduce related collisions, injuries and deaths.

**FISCAL IMPACT:**

OTS grants funds up to 100% of staff salary and benefits in program year 1, and up to 50% in year 2. Grant funding of approximately \$389,245 is allocated for salaries and benefits of one Police Sergeant, one Detective, and three Police Officers II to coordinate, implement and staff the project. An additional \$11,000 is allocated for mandatory grant-related travel. City contribution for project staff salaries and benefits over the 24-month project is approximately \$226,277. The application also commits in-kind resources, including communication, automation, surveillance, inspection and presentation equipment; vehicles; and traffic engineering items, at an estimated value of \$171,085. The total match is \$397,362. There is no requirement to continue program operations after the end of grant funding. SDPD has funds available within their budget to cover the match, and agrees to do so.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-117: Two actions related to Submitting Applications to the Department of Housing and Urban Development for Designation of Federal Empowerment Zone and Renewal Community.

(City Heights, Southeastern San Diego, Barrio Logan, and Centre City Community Areas. Districts-2, 3, 4, 7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-340) ADOPTED AS RESOLUTION R-295428

Authorizing the City Manager to submit an application for Empowerment Zone Designation, and execute the necessary documents.

Subitem-B: (R-2002-341) ADOPTED AS RESOLUTION R-295429

Authorizing the City Manager to submit an application for Renewal Community Designation, and execute the necessary documents.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1994, the Federal government designated 9 Empowerment Zones and 95 Enterprise Communities. An Empowerment Zone (EmZ) provided \$100 million in social service funding, employment tax credits, and tax-exempt bond financing capacity; an Enterprise Community (EC) provided \$2.95 million in social service funds and limited tax exempt bond financing capacity. San Diego applied for the EmZ but instead received the EC designation. In 1998, an additional 15 EmZ's were authorized, and San Diego again applied for the designation but again was not successful. In late 2000, the Federal government authorized an additional 9 EmZ's, although without social service funding. In addition, a new program of 40 Renewal

Communities was created. A Renewal Community (RC) does not provide funding, but has tax incentives that encourage the sale and improvement of commercial properties. Based on a study prepared for the City by an accounting firm, the EmZ tax incentives are of limited value, but the EmZ's \$230 million in tax-exempt bond financing is valuable for large, job-creating private projects. In contrast, the RC provides incentives for the sale and improvement of older commercial properties, meshing well with City encouragement of small business investment through business improvement districts, storefront improvement grants, etc.

Designations for both the RC and EmZ are competitive, based on distress factors (poverty, unemployment, crime, and income level) in census tracts from the 1990 census. The area must have a continuous boundary, with an EmZ maximum population of 107,000 and RC maximum population of 200,000. Because of these factors, the EmZ application should be submitted for the existing EC area and the RC application for the same area plus additional census tracts with comparable distress factors. Proposed courses of action, as required in the applications, would be based on the City's existing Community and Economic Development Strategy.

Because of the competitive nature of the applications and San Diego's comparatively lower distress levels, both applications must be considered long shots. However, either designation would be valuable in furthering City revitalization goals. In addition to preparing the applications, Community and Economic Development Department will work closely with the Intergovernmental Relations Department in lobbying for the designations.

**FISCAL IMPACT:**

None with this action.

Herring/Cunningham/MDJ/RGG

**FILE LOCATION:** SUBITEMS A & B: MEET

**COUNCIL ACTION:** (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-118: Chollas Operation Yard New Gate and Driveway.

(Mid-City Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-273) ADOPTED AS RESOLUTION R-295430

Authorizing the City Manager to expend \$33,020 from Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades to reimburse CIP-52-477.0, College Grove Drive between 54<sup>th</sup> Street and College Grove Way, for the construction of the Chollas Operation Yard new gate and driveway;

Authorizing the reprogramming of Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades (FY 2001), in the amount of \$33,020;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The College Grove Drive improvements Project consisted of the widening of College Grove Drive by the contractor named Sheidel Construction, Bid # K98085C, from two to four lanes between 54<sup>th</sup> Street and College Grove Way. The construction also provided curb, gutter, sidewalk, drainage, traffic signal, hardscape, landscape and irrigation improvements. The project was completed in September 2000. During construction of the project, the Water Department requested a change order to design and construct a new gate and driveway at the Chollas Operations yard. The Water Department is responsible for the funding of the design and construction of the new Chollas gate and driveway. This action is to authorize the expenditure of \$33,020 from the Water Fund, 41500 to reimburse CIP-52-477.0, College Grove Drive.

**FISCAL IMPACT:**

Funds for this action are available in the Water Operations Fund at 41500, CIP-75-931.0.

Loveland/Gardner/SM/TV

Aud. Cert. 2200101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-119: Agreement for Purchase of Project Plans for the West Arcade in Balboa Park.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-338) ADOPTED AS RESOLUTION R-295431

Authorizing the City Manager to execute an agreement with the Committee of 100, for the purchase of project plans for the West Arcade in Balboa Park;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-21-855.0, Balboa Park - West Arcade.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed West Arcade project is the last section of the Pardo arcades in Balboa Park, located on the northwest side of El Prado and adjacent to the Museum of Art sculpture garden. The original West Arcade was part of the Science and Education building built for the 1915 Pan Pacific Exposition. The arcade was torn down in the 1960's to make way for the new west wing

of the Museum of Art. The Committee of 100, a non-profit organization formed in 1967 to save the remnants of the Spanish colonial architecture in the park, has taken on the rehabilitation of the arcades as one of their main goals. In 1992 the Committee of 100 raised the funds for the design and construction of the east arcade. This year the Committee of 100 has set a goal to design and construct the West Arcade and present it to the City as a gift in 2003. The Committee of 100 has agreed to prepare the plans and the City will reimburse the Committee of 100 for the preparation of the plans. The funds for purchasing the plans will not be used for the construction of the project. The concept plan for the West Arcade has been recommended for approval by the Balboa Park Committee and the Design Review Committee to the Park and Recreation Board.

**FISCAL IMPACT:**

Funding in the amount of \$100,000 is available in CIP-21-855.0, Balboa Park - West Arcade. The source of the funding is from TOT.

Loveland/ McLatchy/DVW

Aud. Cert. 2200153.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-120: Authorize Best Management Practices Implementation Support Agreement with Deloitte & Touche.

(See City Manager Report CMR-01-181.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-351) ADOPTED AS RESOLUTION R-295432

Authorizing an agreement with Deloitte & Touche, LLP, to provide consulting services to the City with respect to the City's implementation of the Injury Tracking and Safety System project in its Risk Management Department;

Authorizing the expenditure of an amount not to exceed \$261,753 as follows: \$191,756 from Fund 50066 and \$69,997 from Fund 50061.

Aud. Cert. 2200225.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-121: Second Amendment to Emcon/OWT Agreement for Mission Bay Landfill Regulatory Compliance.

(Mission Bay Park Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-151) ADOPTED AS RESOLUTION R-295433

Authorizing the City Manager to execute a Second Amendment to Agreement with Emcon/OWT, for professional services required to respond to regulatory requirements by the Regional Water Quality Control Board and other regulatory agencies for a period of five years;

Authorizing the expenditure of an amount not to exceed \$200,000 for the project, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Second Amendment to the Agreement with Emcon/OWT will provide professional services for environmental monitoring programs at the Mission Bay Landfill. These programs require data analysis, report preparation and hydro-geologic assessments. They are required by the California Code of Regulations, Title 27 and the program is detailed in Waste Discharge Requirements by the Regional Water Quality Control Board Order 97-11.

The landfill is located in the Mission Bay Park planning area.

Emcon/OWT was awarded an agreement for the current level of testing for this site in 1995 and has since developed unique knowledge of the Mission Bay Landfill site conditions and history, and maintains a statistical database. Continued use of Emcon/OWT's database and expertise will eliminate duplication of effort by another consultant and assure lowest costs while maintaining regulatory compliance at this landfill site.

The original Agreement was authorized in October 1995, via City Manager Action (Document No. C-06599). The current First Amendment to the Agreement with Emcon/OWT was authorized in September 1998, via City Manager Action (Document No. C-08903).

The second amendment to this agreement will extend the contract an additional five years.

**FISCAL IMPACT:**

This Second Amendment to the Agreement provides compensation in accordance with an hourly fee schedule or negotiated lump sum. The amendment provides for a maximum fee of \$200,000 for a period of five years. Funds for water quality monitoring are an operational budget item (Refuse Disposal Enterprise Fund). Funds for water quality monitoring will not be encumbered or expended until such time as specific projects and funding are identified and the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

The original agreement was for \$23,000. The first amendment was for \$80,000. This second amendment is for spending authority of \$200,000. The total is \$303,000.

Loveland/Hays/RF

Aud. Cert. 2200099.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-122: City of San Diego/MTDB Authority.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-345) ADOPTED AS RESOLUTION R-295434

Authorizing the City Manager to execute a Joint Exercise of Powers Agreement with the San Diego Metropolitan Transit Development Board.

**SUPPORTING INFORMATION:**

A Joint Exercise of Power Agreement (the "Agreement") by and between the City of San Diego and the San Diego Metropolitan Transit Development Board ("MTDB") was entered into on September 28, 1987. This agreement established the City of San Diego/MTDB Authority (the "Authority") of the City of San Diego. The Authority is empowered by law to jointly exercise any powers common to the City and MTDB, and is also authorized to issue bonds and expend bond proceeds for any lawful purpose, including financing of certain capital improvements. The Authority is administered by a Board of Directors which currently consists of three directors: two members of the City Council and one member of MTDB's legislative body.

It is recommended that the representation on the Board of Directors be expanded to allow for greater public participation and oversight of the Authority's financing. It is specifically proposed that Section 7 of the Agreement be amended to have the two City representatives on the board be selected from the public at large rather than the City Council.

**FISCAL IMPACT:**

There is no fiscal impact associated with these actions.

Frazier/Devaney/KJS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C359-364.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-123: Water and Sewer Group Job 464A - Contract Change Order Nos. 1 and 2.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-275) ADOPTED AS RESOLUTION R-295435

Approving Change Order No. 1, dated March 28, 2001, with Southern California Underground Contractors, Inc. for the construction of Water and Sewer Group Job 464A (Contract), increasing the contract price by \$59,144.89;

Approving Change Order No. 2, dated March 28, 2001, issued in connection with the Contract, increasing the contract price by \$93,399.51;

Authorizing the expenditure of an amount not to exceed \$96,990 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for Contract Change Order Nos. 1 and 2 and additional contingencies/costs associated with the Contract.

**CITY MANAGER SUPPORTING INFORMATION:**

Water and Sewer Group 464A is in the Centre City Community area and consists of constructing approximately 4,170 linear feet of new water main and 3,185 linear feet of sewer main.

Contract Change Order No. 1 is required due to the following: The Contractor encountered a previously unknown tunnel under Market Street which resulted in the extra cost of constructing two concrete masonry headwalls and the associated traffic control measures.

The Contractor also encountered buried railroad tracks which were not indicated on City records which damaged his equipment.

Contract Change Order No. 2 is required due to the following: Archaeological monitoring and services were needed in two locations outside the contract area. The City's archaeological staff directed monitoring to be done on Market Street following the discovery of a previously unknown tunnel and on 15<sup>th</sup> Street between K Street and Island Avenue where the existing sewer main was higher than records indicated, resulting in excavation within previously undisturbed soil.

Staff recognizes that Southern California Underground has been debarred, however, this change order is to pay Southern California Underground for work already performed.

**FISCAL IMPACT:**

The total estimated cost of this project is \$2,183,125 of which \$2,086,135 was previously authorized by City Council Resolution R-291864. Additional funding for this request of \$96,990 is available in Sewer Fund, CIP-44-001.0.

Loveland/Belock/HR

Aud. Cert. 2200115.

WWF-01-530.

FILE LOCATION: CONT-Southern California Underground Contractors, Inc.

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-280) ADOPTED AS RESOLUTION R-295436

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- ITEM-125: Supporting Legislation Adjusting Daylight Savings Time to Promote Energy Conservation.

(See City Manager Report CMR-01-142.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-225) ADOPTED AS RESOLUTION R-295437

Supporting H.R. 704 and Section 204 of H.R. 1647 (legislation adjusting Daylight Savings Time to promote energy conservation), and directing the City's Federal lobbyist to communicate the City's position to the appropriate members of Congress.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 7/11/2001, RULES voted 5-0 to accept the City Manager's recommendation.  
(Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C368-380.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

\* ITEM-126: Two actions related to Advertising for Bids for Sewer and Water Replacement Group 2000.

(See memorandum from Frank Belock dated 7/12/2001. Centre City, Uptown, Greater North Park, and Mountain View Neighborhood Community Areas. Districts-2, 3, and 4.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-344) ADOPTED AS RESOLUTION R-295438

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Replacement Group 2000 on Work Order Nos. 175351A, 184961A, 174801A, 184171A, 173921A, 173881A, and 184061A;

Establishing contract funding phases and executing a contract with the lowest responsible bidder for the Construction of Sewer and Water Replacement Group 2000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,923,933 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the Construction of Sewer Replacement Group 632;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,555 from CDBG Fund 18536, Dept. 4225, Org. 2501 and Job Order 000001 to Sewer Fund 41506, CIP-44-001.0 - Sewer Main Replacement, and authorizing the transfer of an amount not to exceed \$6,945 from CDBG Fund 18536, Dept. 4225, Org. 2501 and Job Order 000001 to Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, exclusively for the construction of pedestrian ramps;

Authorizing the expenditure of an amount not to exceed \$2,351,314 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$111,145 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the construction of Sewer and Water Group 699;

Authorizing the expenditure of an amount not to exceed \$3,948,451 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and authorizing the expenditure of an amount not to exceed \$545,639 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Replacement, for the construction of Sewer and Water Group 690;

Authorizing the expenditure of an amount not to exceed \$2,540,919 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the construction of Sewer Replacement Group 632;

Authorizing the expenditure of an amount not to exceed \$1,928,415 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the construction of Sewer Replacement Group 633;

Authorizing the expenditure of an amount not to exceed \$1,536,245 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the construction of Water Group 537;

Authorizing the use of City forces in the amount of \$140,110 for additional construction services related to the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02019C.)

Subitem-B: (R-2002-346) ADOPTED AS RESOLUTION R-295439

Certifying that LDR Mitigated Negative Declaration Nos. 40-0793 (dated 2/9/2001), 40-0903 (dated 1/22/2001), 40-0309 (dated 7/19/2000), 40-1063 (dated 3/12/2001) and 41-0302 (dated July 31, 2001) have been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process, have been reviewed and considered by Council in connection with the approval of Sewer and Water Replacement Group 2000;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Studies; and approving LDR Mitigated Negative Declaration;

Declaring that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination (NOD) with the County of San Diego.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/18/2001, NR&C voted 4 to 0 to approve with direction on Group Job 667 to closely coordinate with the community on drainage and run-off issues between Adair Street and Hill

Street; on Group Job 516, inform the Ocean Beach community on all pending projects and time lines; and on Barnett Avenue Trunk Sewer coordinate with redevelopment staff on a proposal to narrow Enterprise Street. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer and Water Replacement Group 2000 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project consists of five sewer and water group jobs that are located in various parts of the City. This project includes replacement and rehabilitation of approximately 45,750 feet (8.7 miles) of 6, 8, 10-inch old and deteriorated sewer mains; abandoning 8,500 feet of 6-inch sewer in easements to be relocated in the public right-of-way; and replacement of 7,680 feet (1.45 miles) of 6, 8, 12, 16-inch water mains. This project includes the construction of 163 pedestrian ramps and re-paving and slurry sealing of the impacted streets. The streets affected by construction operations within this project are: Upas Street, Georgia Street, Alabama Street, Robinson Avenue, Park Boulevard, Myrtle Street, Mississippi Street, Louisiana Street, Normal Street, El Cajon Boulevard, Polk Avenue, University Avenue, Bush Street, Pennsylvania Avenue, Redwood Street, Ocean view Boulevard, 40<sup>th</sup> Street, Hemlock Street, Teak Street, T Street, 38<sup>th</sup> Street, 37<sup>th</sup> Street, 36<sup>th</sup> Street, 35<sup>th</sup> Street, 16<sup>th</sup> Street, 13<sup>th</sup> Street, 10<sup>th</sup> Avenue and 11<sup>th</sup> Avenue. Traffic control plans have been prepared for this project and will be implemented during the construction operations. There will be night work at or near the intersection of El Cajon Boulevard and Park Boulevard. Residents will be notified by mail at least (1) one month before construction begins by the City's Engineering and Capital Projects Department and again (10) ten days before construction begins by the contractor through hand distribution of notices.

**FISCAL IMPACT:**

The total estimated cost of these projects is \$12,962,128. Funding of \$10,769,099 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$2,193,029 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. Included in the total cost estimate is \$1,752,527 for Engineering; \$10,498,728 for construction; \$25,000 for Professional Services; \$20,000 for Land Acquisition; \$525,763 for Contingencies and related costs; \$140,110 for City forces to perform operational checks. These projects will be phase funded.

Loveland/Belock/HR

WWF-02-540.

FILE LOCATION: SUBITEMS A & B: CONT - Orion Construction;  
W.O. 175351A, 184961A, 174801A, 184171A, 173921A,  
173881A, AND 184061A

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-127: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 677.

(See Frank Belock's memo dated July 12, 2001.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-191) ADOPTED AS RESOLUTION R-295440

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 677 on Work Order No. 174351;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,783,999 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement, and an amount not to exceed \$164,623 from Water Fund 41500, CIP-73-083.0, Annual Allocation, Water Main Replacement, for providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02018C)

Subitem-B: (R-2002-192) ADOPTED AS RESOLUTION R-295441

Certifying that the information contained in LDR Mitigated Negative Declaration LDR-40-0904, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Sewer and Water Group 677;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the LDR Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/18/2001, NR&C voted 4-0 to approve with direction on Group Job 667 to closely coordinate with the community on drainage and run-off issues between Adair Street and Hill Street, on Group Job 516 inform the Ocean Beach community on all pending projects and time lines, and on Barrett Avenue Trunk Sewer coordinate with redevelopment staff on a proposal to narrow Enterprise Street. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer and Water Replacement Group 677 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the Peninsula community area and consists of replacing approximately 8,810 feet (1.7 miles) of 6-inch and 8-inch sewer main and 410 feet (.08 miles) of 6-inch water main. Also, this project includes the construction of 17 pedestrian ramps and re-paving or slurry sealing of the impacted streets. The streets affected by construction operation within this project are: Gage Drive, Gage Lane, Tavera Place, La Crescentia Drive, San Geronio Street, McCall Street, San Elijo Street, Lawrence Street, Kellogg

Street, Rosecrans Street, and San Antonio Avenue. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,948,622. Funding of \$1,783,999 will be available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$164,623 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. Included in the total cost estimate is \$30,225 for City Forces to make connections and perform operational checks. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-510.

FILE LOCATION: SUBITEMS A & B: CONT - SC Valley Engineering, Inc.;  
W.O. 174351

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-128: Storefront Improvement Rebate Program Council Policy.

(See City Manager Report CMR-01-102 and memorandum from Community and Economic Development dated 7/31/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1719) ADOPTED AS AMENDED AS RESOLUTION R-295442

Establishing Council Policy No. 900-17 regarding the Storefront Improvement Rebate Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 5/23/2001, PS&NS voted 4 to 0 to approve the City Manager's Report. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

**NOTE:** Since approval, the Council Policy discussed in City Manager's Report CMR-01-102 has been modified. The Small Business Advisory Board recommends the following changes.

The Fee provision will be changed to read: **The applicant will be required to pay a refundable deposit to try and ensure the applicants commitment to the completion of the project.**

A statement: **The City will have the discretion to waive the deposit on any historic project** will be added.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C380-424.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AS AMENDED TO  
REFLECT THE FOLLOWING CHANGES:

1. THE APPLICANT WILL BE REQUIRED TO PAY A REFUNDABLE DEPOSIT TO TRY AND ENSURE THE APPLICANT'S COMMITMENT TO THE COMPLETION OF THE PROJECT.
2. TO SPECIFY THAT PROJECT MANAGEMENT MUST BE PROVIDED FOR AND DESCRIBED IN EACH APPLICATION. BOTH THE SBAB AND THE BID COUNCIL SUPPORTS THAT.
3. TO EXPAND THE PROGRAM ELIGIBILITY AREA CITY WIDE FOR ANY BUSINESS OF 12 OR FEWER EMPLOYEES.
4. IN ORDER TO QUALIFY FOR THE HISTORIC REBATE INCENTIVE, THE SUBJECT PROPERTY MUST BE ELIGIBLE FOR DESIGNATION, OR BE INCLUDED ON A LOCALLY DEFINED HISTORIC BUILDING INVENTORY.

Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-129: Amending the Business Improvement Districts Council Policy No. 900-07.

(See City Manager Report CMR-01-103.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1655)            ADOPTED AS RESOLUTION R-295443

Amending Council Policy No. 900-07 regarding Business Improvement Districts.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 5/23/2001, PS&NS voted 4 to 0 to approve the City Manager's Report. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-130: Formal Offer of Extension of Emergency Medical Services (EMS) Agreements.

(See City Manager Report CMR-01-176 and the report from the City Attorney dated 7/23/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-308) ADOPTED AS RESOLUTION R-295444

Extending the agreements for paramedic services (the EMS Agreements), between the City of San Diego, Rural/Metro of San Diego, Inc., Rural/Metro Corporation, and San Diego Medical Services Enterprise, LLC (SDMSE), for a three-year period commencing July 1, 2002, pursuant to Article II, Section 2.2 of the First Amended Emergency Medical Services Agreement between the City and SDMSE;

Directing the City Manager to finalize the contract language to extend the EMS Agreements and return to the Public Safety and Neighborhood Services Committee of the City Council with final agreements for review by the Committee and subsequent approval by the City Council.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 8/8/2001, PS&NS voted 5 to 0 to approve the continuation of paramedic services provided by San Diego Medical Services Enterprise, LLC by formally extending an offer of extension to the current Emergency Medical Services (EMS) Agreements. Direct the City Manager to finalize contract language to extend the EMS Agreements associated with the provision of paramedic services and return to Public Safety and Neighborhood Services Committee with final agreement language. (Councilmembers Atkins, Stevens, Maienschein, Frye, and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

This item was heard by the Public Safety and Neighborhood Services (PS&NS) Committee on August 8, 2001. The motion of the PS&NS Committee was to:

1. Approve the recommendations of City Manager's Report CMR-01-176.

A. To continue paramedic services provided by San Diego Medical Services Enterprises, LLC by formally extending an offer of extension to the current Emergency Medical Services agreements.

B. To direct the City Manager to finalize contract language to extend the Emergency Medical Services agreements associated with the provision of paramedic services and return to Public Safety & Neighborhood Services Committee with final agreement language.

2. Approve the Clarification of Scope of Permitted Business in the City of San Diego's agreement which formed San Diego Medical Services Enterprises, L.L.C., as proposed in the memorandum from Deputy City Attorney Theresa McAteer dated July 23, 2001.
3. Direct the City Manager to incorporate, as a priority item, in the San Diego Fire & Life Safety Services (FLSS) FY 2003 Budget Request the costs of enhanced services described in the Manager's Report CMR-01-176 as "Staffing of 2 + 2 Ambulances."
4. Request the Rules Committee consider the addition of the issue of Emergency Medical Services (EMS) Medicare Fee Schedule and Reductions in Reimbursements to the City's federal legislative agenda.

Ewell/Lexin/PHN

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-131: Amendment to the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc.

(See the City Attorney Report dated 7/23/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-325) ADOPTED AS RESOLUTION R-295445

Amending the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc., by adding the following section as Section 2.1(b):

(b) To enter into contracts to provide emergency medical and medical transportation services (including 9-1-1 response and transport) to other jurisdictions within the County, provided that the company's performance of such other contracts: (i) does not diminish the quality of EMS/MTS services to the City, and (ii) does not adversely affect the financial condition of the Company or its members.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 8/8/2001, PS&NS voted 5 to 0 to amend the First Amended and Restated LLC Operating Agreements between the City of San Diego and Rural/Metro of San Diego, Inc., to clarify the scope of permitted businesses in which the LLC may engage. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

At the Public Safety and Neighborhood Services Committee meeting of August 8, 2001, the Committee voted to approve an amendment to the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc., to add a new section 2.1(b) to read as follows:

(b) To enter into contracts to provide emergency medical and medical transportation services (including 9-1-1 response and transport) to other jurisdictions within the County, provided that the company's performance of such other contracts: (i) does not diminish the quality of EMS/MTS services to the City, and (ii) does not adversely affect the financial condition of the Company or its members.

Ewell/McAteer

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-132: Two actions related to Energy Conservation and Management.

(See City Manager Report CMR-01-175.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-294) ADOPTED AS RESOLUTION R-295446

Authorizing the City Manager to execute an agreement with San Diego Gas & Electric Company for the electronic data interchange and transfer of funds in connection with the City's monthly energy bills, as set forth in detail in City Manager Report CMR-01-175.

Subitem-B: (R-2002-293) ADOPTED AS RESOLUTION R-295447

Authorizing the City Manager to participate in the San Diego Regional Energy Infrastructure Study in partnership with the San Diego Regional Energy Office, the County of San Diego, the San Diego County Water Authority, the San Diego Association of Governments, the Utility Consumers Action Network, the Port of San Diego, and other governmental agencies to conduct a comprehensive study of the need for regional energy infrastructure and guide public policy development of a long-term regional energy strategy, as set forth in detail in City Manager Report CMR-01-175;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund No. 10231 to provide funds for the above study, representing the City's proportional share of the funding.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 8/8/2001, RULES voted 4-0 to authorize the City Manager to participate in a San Diego Regional Energy infrastructure Study and provide proportional funding not to exceed \$75,000; and to authorize the City Manager to enter into an Electronic Data Interchange (EDI) and Funds Transfer Agreement with San Diego Gas & Electric Company for electronic receipt of bills and future electronic payment capabilities. (Councilmembers Atkins, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Wear not present.)

Aud. Cert. 2200214.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: C180-292.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Sewer Main Cleaning Services.

(See City Manager Report CMR-01-180; Response to Tecolote Canyon Spill; George Loveland's memo dated 4/13/2001; NR&C Chair Madaffer's memos dated 7/17/2001, 3/28/2001 and 3/5/2001.)

**TODAY'S ACTIONS ARE:**

Adopt the resolution in Subitem A and hold the first public hearing of the ordinance in Subitem B:

Subitem-A: (R-2002-324) ADOPTED AS AMENDED AS RESOLUTION R-295448

Authorizing the City Manager to invite bids for up to four separate private sewer cleaning contracts, in a total amount not to exceed \$2,100,000;

Authorizing the City Manager to execute contracts with the lowest responsible bidders;

Authorizing the City Auditor and Comptroller to transfer \$4,295,000 from the Sewer Revenue Fund Unallocated Reserve (Fund No. 41509, Dept. 777, Org. 445, Object Account 4903) as follows:

\$2,100,000 to Fund No. 41506, Wastewater Collection Division, Dept. 773, Org. 220, Object Account 4222, to fund the contracts;

\$1,020,000 to Fund No. 41506, Dept. 773, Org. 220, Object Account 1100, to fund additional half-year limited positions; and

\$1,175,000 to Fund No. 41506, Dept. 773, Org. 220, Object Account 6013, to fund additional equipment outlay.

Subitem-B: (O-2002-27) HEARING HELD AS AMENDED

First public hearing of an Ordinance amending Ordinance O-18964 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2001-2002 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing the Metropolitan Wastewater Department budget by 38 positions.

**NOTE:** This item requires two public hearings pursuant to the City Charter. Today's action is the first public hearing. The second public hearing and introduction and adoption of the ordinance will be on Tuesday, September 11, 2001.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/18/2001, NR&C voted 5-0 to accept the report and direct the City Manager to: a) Research metering devices and report back to the Natural Resources and Culture Committee on the issues, b) immediately shift City crews from the right-of-way to maintain the canyons on a high priority while working on a blended maintenance effort of contractors and City work crews, and c) provide the Mayor and Council a map of high grease prone areas by Council District and grease prevention kits for distribution in the community. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

Aud. Cert. 2200217.

FILE LOCATION: SUBITEM A: MEET  
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: E146-G061.)

MOTION BY INZUNZA TO APPROVE THE HEARING AS AMENDED, AND TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE ALTERNATIVE ONE AS REFLECTED IN THE CITY MANAGER'S REPORT #01-180 TO APPROPRIATE THE NECESSARY MONEY TO ADD ADDITIONAL CITY STAFF TO THE METROPOLITAN WASTEWATER DEPARTMENT FOR THE PURPOSE OF SEWER MAIN CLEANING. Second by Madaffer. Passed by the following vote: Peters-nay, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Madaffer to request that staff report back to Council regarding how the City can best meet the December 2003 goal for sewer main cleaning, and to assess both Alternative 1 and Alternative 2 as reflected in the City Manager's Report #01-180. Second by Wear. Failed. Yeas-1, 2, M. Nays-3, 4, 5, 6, 7, 8.

MOTION BY INZUNZA TO DIRECT STAFF TO LOOK AT THE 1.5 MILLION DOLLAR ALTERNATIVE THAT WILL ENABLE THE HIRING OF ADDITIONAL CITY STAFF INCLUDING MORE WASTEWATER COLLECTION STAFF, ADDITIONAL TECHNICAL STAFF, COUNTY ACCESS EQUIPMENT, AND TO PURCHASE ADDITIONAL EQUIPMENT AND VEHICLES. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-year, Mayor Murphy-nay.

ITEM-151: Proposed Changes to the Permanent Rules of Council - Rule 1 (d) and Rule 3 of the San Diego Municipal Code Section 22.0101.

(See Memorandum from Councilmember Inzunza dated 7/24/2001; Memorandum from the City Clerk dated 7/23/2001; Letter from James Varnadore dated 7/20/2001.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2002-23) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101 relating to the Permanent Rules of the Council, as follows:

- a) State that the Monday and Tuesday sessions are a single meeting;
- b) Subject to the exercise of the Mayor's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda;
- c) Change "docket" to "agenda" in the Permanent Rules of Council.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 7/25/2001, RULES voted 5 to 0 to amend the Permanent Rules to: a) State that the Monday and Tuesday sessions are a single meeting; and b) Put Non-Agenda public comment on Tuesdays at 10:00 a.m., subject to the Chair's discretion. Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor voted yea.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G073-I010.)

MOTION BY INZUNZA TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Ordinance Prohibiting Glass Beverage Containers Within Qualcomm Stadium Parking Facility.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-26) CONTINUED TO MONDAY, SEPTEMBER 24, 2001

Introduction of an Ordinance amending Chapter 5, Article 9, Division 1, of the San Diego Municipal Code by Amending section 59.0101 relating to Activities Prohibited within the Qualcomm Stadium Parking Facility.

**CITY MANAGER SUPPORTING INFORMATION:**

Many people tailgating at Qualcomm Stadium bring glass beverage containers into the parking lot. In recent years, it seems that glass bottles are replacing aluminum cans as the container of choice for beer. People normally do not use the trash or recycling receptacles to dispose of them and just leave them all over the lot. This results in the following problems:

1. Vehicle tires are frequently damaged (customers and Stadium maintenance) when they drive over the glass to exit the lot;
2. People stepping on broken bottles;
3. Clean up of the lot is more time consuming and costly;
4. Glass bottles are not as attractive as aluminum cans for recycling, thus they become trash which is an additional expense and reduces the landfill capacity; and
5. The most urgent concern is that bottles are often used as weapons. Disturbances involving bottle throwing in the lot are not uncommon. There have been several serious head and facial injuries caused by bottles in the past few years.

Therefore, because of the above problems, it is proposed that a subsection be added to the existing Stadium Parking Facility Ordinance that would generally ban glass beverage containers in the lot. It would allow for Stadium Management to issue permits for controlled events where glass beverage containers would be permitted. The proposed ordinance would not prohibit the drinking of alcohol in the parking lot or tailgating activities. It is only restricting the bringing in of glass beverage containers in order to alleviate the problems and possible liability caused by glass bottles.

Enforcement of this ordinance as with other prohibited activities in the parking lot, i.e. throwing balls, skateboarding, etc. will be done by the Police Department and enforced in the same manner. Verbal warnings will be issued before any citation is issued. It is expected that good publicity and signage would result in people complying.

The proposed ordinance is supported by the San Diego Chargers, San Diego Padres, San Diego State University and Holiday Bowl. The Qualcomm Stadium Advisory Board at their July 26, 2001 meeting unanimously recommended approval of the ordinance.

**FISCAL IMPACT:** None.

Herring/Wilson/SMS

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: C590-D343.)

MOTION BY INZUNZA TO CONTINUE THIS ITEM TO MONDAY, SEPTEMBER 24, 2001, TO ALLOW TIME FOR STAFF TO COME BACK WITH A REPORT REGARDING SPECIFIC INCIDENTS INVOLVING GLASS CONTAINERS AT QUALCOMM STADIUM. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Five actions related to Dedicating Cabrillo Park North Mini-Park, Cabrillo Park South Mini-Park, Camino Ruiz Park, Plumosa Park, Starkey Mini-Park as Public Parks.

(Peninsula, Mira Mesa, and La Jolla Community Areas. Districts-1, 2, and 5.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2001-160) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Cabrillo Park North Mini-Park" in the City of San Diego, California, for a public park.

Subitem-B: (O-2001-161) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Cabrillo Park South Mini-Park” in the City of San Diego, California, for a public park.

Subitem-C: (O-2001-162) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Camino Ruiz Park” in the City of San Diego, California, for a public park.

Subitem-D: (O-2001-163) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Plumosa Park” in the City of San Diego, California, for a public park.

Subitem-E: (O-2001-164) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Starkey Mini-Park” in the City of San Diego, California, for a public park.

**CITY MANAGER SUPPORTING INFORMATION:**

City Charter Section 55 mandates protection of dedicated parks, open space and cemeteries, against any use other than for park and recreation and cemetery purposes without a two-thirds vote of the qualified electorate.

Council Policy 700-17, "Policy on Dedication and Designation of Park Lands", mandates that all land acquired for resource-based, or population-based park and recreation purposes shall be dedicated by ordinance pursuant to Section 55 of the City Charter. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of parkland:

- 1) The Park Service District appears to contain no other alternative park site to satisfy population-based park requirements;

- 2) The population has reached the population minimum stated in the City's Progress Guide and General Plan; and
- 3) The Park and Recreation Board, City Manager and/or City Council determine that there are no unusual circumstances which indicate dedication consideration should be deferred.

The following list of proposed park sites meets the criteria for Park Dedication.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks meet the requirements for dedication. The subject five (5) parks meet these requirements and have been recommended by the Park and Recreation Board for dedication. Included are parks never before dedicated, as well as additions to existing dedicated parks. These parks are, as follows:

- Cotmcil District 1: Starkey Mini-Park (Dedicating portion of street to enlarge dedicated portion of park.)
- Council District 2: Cabrillo Park North, Cabrillo Park South and Plumosa Park (Not previously eligible for dedication due to previous ownership restrictions.)
- Council District 5: Camino Ruiz Park (New Acquisition; deed received February 17, 2000.)

This action does not name the parks to permit flexibility in naming and changing the names in the future. However, the names by which we will refer to these facilities are included in parentheses on the lists contained in Exhibit "A".

**FISCAL IMPACT:**

None. This action is concerned only with dedicating City park land.

Loveland/McLatchy/DVW

FILE LOCATION: SUBITEMS A, B, C, D, & E: NONE

COUNCIL ACTION: (Tape location: C312-328.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCES. Second by Maienschein.  
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,  
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Dedicating Ashley Falls Neighborhood Park, Cypress Canyon Neighborhood Park, Torrey Hills Neighborhood Park and 32<sup>nd</sup> Street Mini Park, as Public Parks.

(Carmel Valley, Scripps Ranch, and North Park Community Areas. Districts-1, 3, and 5.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-154) INTRODUCED AS AMENDED, TO BE ADOPTED ON  
MONDAY, SEPTEMBER 24, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Ashley Falls Neighborhood Park, Cypress Canyon Neighborhood Park, Torrey Hills Neighborhood Park and 32<sup>nd</sup> Street Mini Park" for Public Parks.

**CITY MANAGER SUPPORTING INFORMATION:**

City Charter Section 55 mandates protection of dedicated park, recreation, and cemetery lands against any use other than for park, recreation and cemetery purposes without a two-thirds vote of the qualified electorate. Council Policy 700-17, "Policy on Dedication and Designation of Park Lands," mandates that all land acquired for resource-based, or population-based park and recreation purposes shall be dedicated by ordinance pursuant to Section 55 of the City Charter. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of parkland:

- 1) The Park Service District appears to contain no other alternative park site;
- 2) The population has reached the population minimum stated in the City's Progress Guide and General Plan; and
- 3) The Park and Recreation Board, City Manager and/or City Council determine that there are no unusual circumstances which indicate dedication consideration should be deferred.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks meet the requirements for dedication. The subject four (4) parks meet these requirements and have been

recommended by the Park and Recreation Board for dedication. Included are parks never before dedicated, as well as additions to existing dedicated parks. These parks are as follows:

Council District 1: Ashley Falls Neighborhood Park  
Torrey Hills Neighborhood Park

Council District 3: 32nd Street Mini Park

Council District 5: Cypress Canyon Neighborhood Park

This action does not name the parks to permit flexibility in naming and changing the names in the future. However, the names by which we will refer to these facilities are included in parentheses on the lists contained in Exhibit "A".

**FISCAL IMPACT:**

None. This action is concerned only with dedicating City park lands.

Loveland/McLatchy/DVW

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C328-329.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AS AMENDED TO REMOVE CYPRESS CANYON NEIGHBORHOOD PARK FROM THE LIST OF DEDICATIONS DUE TO SCHOOL ISSUES THAT NEED TO BE RESOLVED IN THE SCRIPPS RANCH AREA. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Two actions related to Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Subitem-A: Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.

Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.

Subitem-B: Property: Peninsula YMCA (APN-449-110-09).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: YMCA

Under Negotiation: Lease extension terms (APN-449-110-09).

Prior to Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this issue is listed on the docket **only** for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

**REFERRED TO CLOSED SESSION**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on these subjects; 2) Conclude and close the public hearing; and 3) Refer the matters to Closed Session on September 11, 2001.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: G066-070.)

Mayor Murphy closed the Hearing.

**ITEM-250: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material

Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk
----------	------------	----	---

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

**ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.**

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

**SUBDIVISION**

Mission City Unit 3  
Torrey View

**COMMUNITY AREA**

Mission Valley Community  
Sorrento Hills Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**ITEM-252: Notice of Pending Final Map Approval.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Mesa Verde Estates Unit 2," "Schotz Estates" and "Black Mountain Ranch Unit No. 4," copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

- (1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The maps comply with the provisions of the Subdivision Map Act and any

local ordinances applicable at the time of approval of the tentative map.

(3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-253: Notice of Pending Final Map Approval for “Silver Oaks Estates” (T.M. 98-0423) and “54<sup>th</sup> Place at Orange Avenue” (T.M. 99-0322).**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Silver Oaks Estates” (T.M. 98-0423) and “54<sup>th</sup> Place at Orange Avenue” (T.M. 99-0322), a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

(1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about

the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: Municipal Employees Association Proclamation.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-374) ADOPTED AS RESOLUTION R-295449

Recognizing and appreciating the assistance of the San Diego Municipal Employees Association, and proclaiming September 10, 2001, as "San Diego Municipal Employees Association Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A149-192.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Independent Budget Analysis - Year-Round Budget Review.

(See Councilmember Peters' memo dated 7/19/2001, and City Auditor and Comptroller Ed Ryan's memo dated 8/3/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-302) ADOPTED AS RESOLUTION R-295450

Adopting the budget analysis proposal which shall be implemented as a pilot program in Fiscal Year 2002;

Authorizing the City Auditor to transfer \$100,000 in appropriations from Department 601, Organization 5901, Citywide-Council Budget Liaison, to the City Auditor and Comptroller, Department 050.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 8/8/2001, RULES voted 4-0 to approve the concept of the Independent Budget Analyst and the other recommendations contained in the Auditor's Report of August 3, 2001. The Committee asked the Auditor to recommend up to five City departments for review. The recommendations should take into account issues of citywide significance regarding saving money, including but not limited to ITC/DPC. The full Council will choose which, if any, of these five departments to review. (Councilmembers Atkins, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Wear not present.)

Aud. Cert. 2200146.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C447-549.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 8:25 p.m. in honor of the memories of:

Janet Borkenhagen as requested by Mayor Murphy; Retired Battalion Chief Gordon Brown as requested by Council Member Wear; Stuart Glassman as requested by Council Member Maienschein; Art Buxbaum as requested by Council Member Frye; Helen Morse Engelbrecht as requested by Council Member Madaffer; and Faiz Khouri as requested by Council Member Inzunza.

FILE LOCATION:        AGENDA

COUNCIL ACTION:        (Tape location: I020-045.)